THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26973 OF 2006

DATED 3rd JANUARY, 2007

Between

M/s.Thirumala Granites, rep.by its Managing Partner,
Sri Prasad Reddy.

... Petitioner

AND

The Director of Mines and Geology, BRKR Building,
VIII Floor, Tank Bund Road, Hyderabad and others.

.... Respondents

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ORDER:

The petitioner herein was granted quarry lease for white granite over an extent of Acs.4.75 in survey No.6 of Bhimaganapalli Village by proceedings, dated 07.04.1994. The lease is valid for a period of fifteen years up to 05.06.2009. The petitioner completed formalities and statedly carrying on quarrying operations. The third respondent herein filed an application on 28.06.2003 before respondents 1 and 2 for grant of quarry lease. Alleging that the area applied for by the third respondent overlaps with the area leased out to the petitioner, the petitioner submitted representations on 10.02.2006 and 23.10.2006 raising objections, in vain. Therefore, the present writ petition is filed seeking a writ of Mandamus declaring the action of the first respondent in not considering the objections as illegal and arbitrary.

Learned counsel for the petitioner submits that the third respondent applied for grant of lease over an extent of 2 Hectares in survey No.6 of Bhimaganapalli Village and if the same is granted, the area would overlap the area leased out to the petitioner. Learned Assistant Government Pleader for Industries, on instructions, submits that a Joint Survey was conducted on 11.10.2006 in the presence of the petitioner and third respondent and it was found that there was no overlapping. The same is recorded.

Now that the Joint Survey is already conducted, consideration of the representations made by the petitioner is not necessary. If any quarry lease is granted to third respondent and the area granted overlaps, the petitioner is given liberty to prefer an Appeal under Rule 35 of A.P.Minor Mineral Concession Rules, 1966.

The writ petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO,J)

03.01.2007
pln